



Case No. 3:05CV761  
Gwin, J.

of the Magistrate Judge, and adopts the Report and Recommendation as its own.

Therefore, the Court adopts in whole Magistrate Judge Limbert's findings of fact and conclusions of law and incorporates them fully herein by reference. The Court grants the respondent's motion to dismiss.

#### Conclusion

For the reasons discussed above, the Court **GRANTS** the respondent's motion to dismiss.  
[Doc. 8]. Accordingly, this action is terminated pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.

Dated: April 11, 2006

s/ *James S. Gwin*  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE